REMARKS

Applicant's remarks, below, are preceded by quotations of the related comments of the Examiner in small, bold-face type.

Claim Rejections - 35 USC § 112

5. (Claims 1,9, 13,2 1,25,33, and 40-43 is vague and indefinite because it is unclear which party, either the first party or the second party, is supplying the identification information.

Without conceding any of the examiner's positions, the applicant has amended the claims.

Claim Rejections -35 USC § 103

7. Claims 1, 3-13, 15-25, and 27-42 are rejected under 35 U. S. C. 103(a) as being unpatentable over *Shi* et al. (applicant 's IDS) (hereinafter Shi) (US 5,875,296) in view of *Garrett* et al (hereinafter Garrett) US (6,397,337).

Shi discloses a computer-implemented method for providing access to an account of a second party substantially claimed including:
receiving identification information (DFS 16);
based on the identification information, receiving an account information that defines a right of a first party to access account data associated with the account of the second party (col. 5, lines 13- col. 6, line 37);
accessing the account information of the second party based on the account information session manager 27); and
enabling the first party to access the account of the second party based on the account information (see account manager 56).

However, Shi fails to show a step "wherein the account information does not contain the authenticator of the second party".
Garrett shows that it is well known in a computer network to design a system to use various, either singularity or in combinations with, identifier(s), password(s), and authenticator(s) to log-on users into a system and/or sub-systems for authentication and security purposes. Garrett also shows that is well known, by not using an authenticator, an identifier, a password, will provide faster access to various system resources (col. 1, lines 38-65 and col.6, lines 24b-~01.7, line 44).

It would have been obvious at the time of the invention was made to a person having ordinary skill in the art in view of the teachings of Shi to providing access to account of a second party and to use Garrett's teaching to modify the logics of authentication process by not requiring an authenticator for accessing a second user 's account .

"[W]e observe that even if these references were combined in the manner proposed by the examiner, that which is set forth in appellant's claims . . . would not result." *Ex parte Bogar*, slip op. p.7 (BPA&I Appeal No. 87-2462, October 27, 1989). "Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed." *Ex parte Schwarz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992).

In Ex parte Williams, slip op. p. 3 (BPA&I, Appeal No. 88-3388, April 17, 1990), the Board said, "It appears to us the Examiner has picked and chosen various features from the applied prior art using the claim as a guide."

In re Wright, 6 U.S.P.Q. 2d 1959 (Fed. Cir. 1988), the court said: "We repeat the mandate of 35 U.S.C. 103: it is the invention as a whole that must be considered in obviousness determinations. The invention as a whole embraces the structure, its properties, and the problem it solves."

This ground of rejection is respectfully traversed as applied to these claims. Neither Shi nor Garrett, alone or in combination, would have made the rejected claims obvious because even when combined, the applicant's claimed invention does not result. More specifically, neither Shi nor Garrett, alone or in combination, teach or suggest enabling a first party to access account data based on account information where the account data is associated with a second party and the account information defines a right of the first party to access the account data, as required by claim 1.

In contrast to applicant's invention, Shi discloses a system where a user only has to authenticate himself once and then, storing the credentials in a database associated with a Web server and providing a unique identifier (e.g., in a cookie) to find the credentials, only the unique identifier has to be passed over the network between the Web server and the client. [*see e.g.*, abstract, and col. 2, line 25 to col. 3, line 46] Shi does not teach or suggest a first party attempting to access the account of a second party. Not having such a first and second party, Shi

has no need to and indeed does not teach or suggest account information that defines the right of the first party to access the account data associated with the second party.

Garrett does not disclose what Shi lacks. Garrett discloses a unified password prompt that accepts a user password or an administrative password to access system resources for a particular machine. [*see e.g.*, abstract, col. 1, lines 36 to 64, and FIGS. 1 to 4] Access in Garrett is enabled when the administrator enters the administrator password for that particular machine. In contrast, the applicant's claimed invention enables the first party to access account data associated with the second party based on account information, where, as required by the claimed invention, the account information defines a right of the first party to access the account data.

For at least these reasons, neither Shi nor Garrett, alone or in combination, anticipated or would have made obvious claim 1. The arguments above are also applicable to claims 3-13, 15-25, and 27-42 and for at least those reasons, neither Shi nor Garrett, alone or in combination, anticipated or would have made obvious claims 3-13, 15-25, and 27-42. Accordingly, withdrawal of the rejection of claims 1, 3-13, 15-25, and 27-42 as unpatentable over the Shi and Garrett references is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to associate each element in these claims with corresponding elements in the references and quote verbatim the language in the references regarded as suggesting the desirability of making the proposed combination.

Applicant's discussion of particular positions of the Examiner does not constitute a concession with respect to any positions that are not expressly contested by the Applicant. Applicant's emphasis of particular reasons why the claims are patentable does not imply that there are not other sufficient reasons why the claims are patentable. Applicant's amendment of the claims does not constitute a concession that the claims are not allowable in their unamended form.

In view of the foregoing amendments, remarks and the inability of the prior art, alone or in combination, to anticipate, suggest or make obvious the subject matter as a whole of the invention disclosed and claimed in this application, all the claims are submitted to be in a

condition for allowance, and notice thereof is respectfully requested. Should the examiner believe this application is not in a condition for allowance, the examiner is respectfully requested to telephone the undersigned attorney at (617) 521-7082 to discuss what additional steps would place the application in a condition for allowance. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 10/10/03

David Miranda
Reg. No. 42,898

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20692241.doc